

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SAMUEL YONKER,

Plaintiff,

ORDER

v.

09-cv-357-bbc

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

This is an appeal of an adverse decision of the Commissioner of Social Security brought pursuant to 42 U.S.C. § 405(g). On June 9, 2009, this court granted plaintiff's request filed by his withdrawing attorney for 30 days to find a new attorney. The 30 days have passed but no new attorney has appeared on plaintiff's behalf. Therefore, the court assumes that plaintiff was unable to find a new attorney. Attorney Duncan is excused from representing plaintiff any further in this case.

Plaintiff may have until July 31, 2009 to write to the court himself to explain his situation. Plaintiff should be sure to answer these questions: (1) Does plaintiff wish to continue this appeal of the commissioner's decision to deny benefits? (2) Are there any other specific attorneys who have expressed an interest in representing plaintiff in this case? If so, what are their names and in what city do they work? (3) If plaintiff has no other prospects for representation by an attorney, does he wish to pursue this case on his own, pro se, or does he wish to withdraw his appeal? (4) If plaintiff wishes to continue his appeal, can he afford to pay the \$350 filing fee? If plaintiff thinks not, then he must fill out, sign and return the courts

financial affidavit, which is enclosed, as soon as possible.

Entered this 14th day of July, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Full name of plaintiff(s) or petitioner(s)

Case No. _____
(Provided by the clerk of court)

v.

Full name of defendant(s) or respondent(s)

**PETITION AND AFFIDAVIT TO PROCEED
WITHOUT PREPAYMENT OF FEES AND/OR COSTS**

I, _____, declare that I am the plaintiff or petitioner in the above-named action. In support of my request to proceed in forma pauperis, I declare that I am unable to pay the fees and/or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. I answer the following questions truthfully and under penalty of perjury (additional pages may be added, if necessary, to provide complete information):

I. Personal Information

1) Are you currently incarcerated? Yes No

If "No," go to question 2. Complete all sections.

If "Yes," answer questions (a), (b) & (c), skip to Section IV. Complete sections IV and V.

(a) State the place of your incarceration and provide your prisoner identification number:

(b) Are you employed at the institution? Yes No

(c) Do you receive any payment from the institution? Yes No

If you are a prisoner, attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of your complaint, motion, or petition and showing the balance of your release account. Prisoners who are permitted to file in forma pauperis must pay the full filing fee in installments.

(WIWD 01/07)

Personal Information - continued

2) Are you employed? Yes No

3) Are you currently married? Yes No
If "Yes," is your spouse employed? Yes No

4) Do you have any legal dependents (children/adults) whom you are responsible for supporting?

Yes No

If "Yes," list them below:

<u>First and Last Initials (For Minor Children Only) or Name</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Provided Per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

II. Income - If you are married, your answers **must include your spouse's income.**

(When calculating income, you must include any salary, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts, and inheritance, or other incoming monies.)

State your total *monthly* income? \$ _____

Provide the name of your employer(s): _____

State your spouse's total *monthly* income? \$ _____

State the amount of money you have received from any other source in the last twelve months

(e.g., rent payments, pension or insurance payments, gifts, inheritance, disability or workers' compensation payments). Please attach an additional sheet if necessary.

<u>Source of income</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____

III. Expenses - If you are married and/or have dependents, *your expenses should also include your household's expenses.*

(When calculating household expenses, you may include groceries, clothing, medical costs, utilities which are not included in your rental payments, transportation, and insurance.)

1) Identify the following amounts that you pay per month:

<input type="checkbox"/> Rent or <input type="checkbox"/> Mortgage	\$ _____

Car payment(s)	\$ _____
Alimony and/or court-ordered child support	\$ _____

Credit card payment(s)	\$ _____

2) Do you have any other monthly expenses that you have not already identified?

Yes No

If "Yes," list them below:

<u>Expense</u>	<u>Amount</u>
----------------	---------------

_____ \$ _____
_____ \$ _____
_____ \$ _____

3) What is the total amount of your monthly expenses? \$ _____

IV. Property - If you are married, your answers must *include your spouse's property*.

1) Do you own a car? Yes No If "Yes," list car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
-----	-----	\$ -----
-----	-----	\$ -----

2) Do you own your residence(s)? Yes No

If "Yes," state the approximate value(s). \$ _____

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the residence(s)? \$ _____

IV. Property - *continued*

3) Do you own any other valuable tangible property, including but not limited to, jewelry, artwork, or antiques? Yes No

If "Yes," identify the property and approximate value(s).

<u>Property</u>	<u>Approximate Value</u>
-----	\$ -----
-----	\$ -----

\$

4) Do you have any cash or checking, savings, or other similar accounts?
 Yes No

If "Yes," state the total amount of such sums. \$ _____

5) Do you own any intangible property, including but not limited to real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k)?

Yes No

If "Yes," state the nature of that property and approximate value(s).

V. Other Circumstances - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

Date

Signature - Signed Under Penalty of Perjury